

REMARKS/ARGUMENTS

The claims remain as Claims 2-12.

The specification has been amended to correct it as follows:

The amendment at page 3, line 7, has the net effect of changing “cloudiness tends to decrease” to “cloudiness tends to increase” referring to a high compounding ratio of polycarbonate resin. A similar change is made at page 13, line 26. Basis appears in the general tenor of the paragraph bridging pages 2 and 3 and in a comparison in Table 1, page 16, Comparative Example 3 with Example 3.

The amendment in Comparative Example 2 changing the base layer content of the PC resin from 5 to 3 corrects a typographical error. There is attached an English translation of the relevant page of Priority Japanese Application JP 11-337702 in support of the correction.

It is preliminarily noted that the several paragraphs, of which the first sentence is “The Kadoya reference has a common inventor with the instant application,” are inappropriately included in the Official Action. This is evident from the second sentence which reads:

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. §102(e).

The Kadoya reference is a published Japanese application not having a U.S. filing date at all.

The paragraphs in question are versions of Form Paragraph 7.21.02, appearing in column 1, on page 700-58 of the MPEP, 8th Ed., Rev. 1, Feb. 2003 and is to be used, according to the “Examiner Notes”, to reject over a reference that only qualifies under 35 U.S.C. §102(e). The Kadoya reference does not qualify at all under 35 U.S.C. §102(e). That statute relates only to applications or patents filed in the United States or to international applications designating the United States.

It would be appreciated if in the next Official Action on the merits, these preliminary comments are noted.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 of Claims 7-11 as unpatentable over Miyamoto et al. (U.S. 5,208,103) in view of Kadoya (HEI 11[1999]-77938), recited in section 9 of the 13 August 2003 office action [1000301303(7)], are requested.

In Section 9 of the referred to Office Action, it is stated:

The references are analogous because they both deal with packaging laminates.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the laminated sheets of Kadoya as the carrier tape in the packaging of Miyamoto in order to insure that the carrier tape will survive heat treatment, e.g., during heat sealing.

and further:

The motivation to employ the sheets of Kadoya as the carrier tapes in the packaging of Miyamoto is found at page 2, par. 0001 of Kadoya, where the use of its sheets in packaging that is to be heated is taught.

However, the two references relied upon relate to non-analogous arts. The food art to which Kadoya primarily relates and the electronics art, to which Miyamoto et al. relate, are not, in Applicants' views related art. It is not at all evident that one seeking to improve on Miyamoto et al. would look to the food art for guidance, particularly since the Miyamoto et al. invention relates primarily to the cover tape to be applied to a carrier tape and not to the carrier tape itself.

Reconsideration and withdrawal of the rejection of Claims 2-12 under 35 U.S.C. §103(a) as being obvious over Kadoya taken with JP 05294376A's abstract for reasons of record are requested.

The rationale for the rejection is the following from the prior Official Action stating the rejection.

The references are analogous because they both deal with thermoplastic sheets having protective coatings/layers thereon.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the conductive sheets of JP-376 as protective layers for the sheets of Kadoya in order to make them suitable for packaging electronics.

The motivation to employ the sheets of JP-376 on the sheets of Kadoya is found in the use/advantage section of the JP-376 abstract, where the conductive sheets are taught to help protect electronics packaged therein from damage by static electricity.

Applicants, in response, do not agree that the references are in analogous arts, it being presumed that is what was intended by the expression that the “references are analogous”.

Kadoya (JP 11-77938) is concerned particularly with the use of a sheet for making packaging containers and caps for prepared food that are to be heated or defrosted in a microwave oven, par. [0001], as acknowledged in the subject application, page 2. Reference is made to coating with a “static inhibitor” par. [0002] of Kadoya.

However, the particular needs of the electronic component tape packaging are not addressed and the arts do not appear to be analogous. In particular, a carrier tape (claim 8) appears to be quite unlike the individual containers disclosed by Kadoya and Kadoya does not guide one to the specific resistivity recited in Claim 4. (Claims 4 and 8 are the independent claims in the subject application).

Indeed, JP 376’s conductive thermoplastic resin sheet is expanded polystyrene, polyethylene, or polypropylene resin sheet which is mixed or coated with carbon black for example.

Such a sheet would clearly not be suitable for a heat resistant transparent sheet since it would cause deterioration of the heat resistance and interfere with transparency. Food containers of expanded thermoplastics are notoriously inappropriate for food containers to be

microwaved and are not transparent. A conductive coating would also appear to be inappropriate.

Reconsideration and withdrawal of the rejection of Claims 2-12 under 35 U.S.C. §103(a) as being obvious over Kadoya taken with Kitaoka for reasons of record are requested.

The Official Action refers to the 13 August 2003 Office Action for justification of the rejection, noting sections 4 and 8.

It is there noted, with respect to Kadoya that:

At page 7, par. 0021, it teaches antistatic coatings. The sheets are useful in containers that are to be heated (page 2, par. 0001).

The Official Action notes that Kadoya “fails to teach the use of antistatic layers having the claimed resistivities.” It may be added that it fails to teach a conductive coating (as recited in independent Claim 4) and “an electronic component packaging container – which is a carrier tape,” as recited in independent Claim 8.

As justification for the rejection, the Official Action indicated:

The motivation to employ the antistatic layers of Kitaoka on the sheets of Kodaya is found at page 3, par. 0004 of Kitaoka, where its tapes are said to be sealable and antistatic.

It is deemed desirable to make electronics packaging sheets/tapes that are sealable and antistatic in order to package the electronics easily and protect them from static charges.

Application No. 10/030,103
Reply to Office Action of May 10, 2004.

However, as discussed above with respect to the previous rejection discussed,
Applicants' view is that the two applied documents relate to non-analogous arts and are only
combinable with Applicants' teachings as a guide.


Favorable reconsideration is solicited.

Respectfully submitted,

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